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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SAN DIEGO**

11 JOHN SA DOE, an individual,

12 Plaintiff,

13 v.

14 DOE 1; a Colorado business entity of form
15 unknown; DOE 2, a Michigan business entity
16 of form unknown; DOE 3, an individual; and
17 DOES 4 through 100.

Defendants.

Case No.: _____
Judge: _____
Department: _____

COMPLAINT FOR DAMAGES FOR:

- 1) **SEXUAL HARASSMENT (CIVIL CODE §51.9);**
- 2) **SEXUAL BATTERY (CIVIL CODE § 1708.5);**
- 3) **ASSAULT;**
- 4) **GENDER VIOLENCE (CIVIL CODE § 52.4);**
- 5) **NEGLIGENCE;**
- 6) **NEGLIGENT SUPERVISION;**
- 7) **NEGLIGENT HIRING/
RETENTION;**
- 8) **NEGLIGENT FAILURE TO
WARN, TRAIN OR EDUCATE;**
- 9) **INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**
- 10) **CONSTRUCTIVE FRAUD (CIVIL CODE § 1573);**

DEMAND FOR JURY TRIAL.

[Filed Pursuant to *Code of Civil Procedure* § 340.1]

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1 COMES NOW, Plaintiff JOHN SA DOE, who complains and alleges as follows:

2 **GENERAL ALLEGATIONS AS TO THE PARTIES**

3 1. Plaintiff JOHN SA DOE (hereinafter "Plaintiff"), an aspiring figure skater, first
4 met DOE 3 when DOE 3 was coaching Team USA and the Plaintiff observed a practice. In awe
5 of DOE 3, and his prominence in the sport, the Plaintiff was starstruck when DOE 3 offered him
6 an impromptu lesson at this first meeting. After a brief coaching session, DOE 3 told the Plaintiff
7 and his parents that the Plaintiff had a natural talent in the sport, and that if he ever moved to
8 Michigan (where DOE 3 coached full-time, at the time), DOE 3 would be willing to coach the
9 Plaintiff. The Plaintiff, feeling lucky to be training with a coach of DOE 3's stature in the sport,
10 made arrangements with his parents to move to Michigan to live with his grandmother, and begin
11 training with DOE 3. Little did the Plaintiff know, that this invitation to train with DOE 3 was the
12 first step for DOE 3 to begin secluding the Plaintiff, sexually groom the Plaintiff and ultimately,
13 sexually abuse him. After moving to Michigan in or around 1998, the Plaintiff began training with
14 DOE 3, and the sexual abuse of the Plaintiff by DOE 3 began in or around 1999 during the time
15 the Plaintiff was skating with DOE 3 at the Detroit Skating Club and continued to in or around
16 2001, when the Plaintiff stopped training at DOE 2 (and occurred again in 2001 at the Masters of
17 Figure Skating competition in San Diego, California). In 1999, after DOE 1, DOE 2 and DOES 4
18 through 100 were directly informed that DOE 3 had sexually abused a famous figure skater; an
19 allegation that was made public in the New York Times, DOE 3 continued to be in contact with
20 children and a member in good-standing with DOE 2, DOE 1, and DOES 4 through 100. Despite
21 having actual knowledge of this abuse being perpetrated by DOE 3, DOE 1, DOE 2 and DOES 4
22 through 100 concealed these allegations from the public, from the Plaintiff, and from the Plaintiff's
23 guardians. The Plaintiff continued to get sexually abused by DOE 3, as DOE 3 had moved from
24 one DOE 1 member club to another; now skating for DOE 2. DOE 3 remained in good-standing
25 with DOE 1, DOE 2, and was permitted to coach and be in contact with minors through that
26 membership, employment and agency.

27 2. After the Plaintiff had stopped being coached by DOE 3 in or around 2001, the
28 Plaintiff continued to train as a figure skater, began training with a new coach and moved to

1 California. In 2001, while attending the Masters of Figure Skating competition in California (a
2 DOE 1-sanctioned and sponsored event), the Plaintiff, only approximately 16 years old at the time,
3 saw DOE 3 at the event; DOE 3 was coaching another skater. At that time, DOE 3 was still a DOE
4 1, DOE 2, and DOES 4 through 100 member, agent, employee, and/or servant. DOE 3 recognized
5 the Plaintiff, secluded the Plaintiff at the event, and proceeded to sexually abuse him. Pursuant to
6 DOE 1's failure to censure, discipline or otherwise ban DOE 3 from DOE 1 membership and DOE
7 2's decision to employ DOE 3 regardless of the known sexual abuse allegations about DOE 3,
8 DOE 3 was allowed contact and access to minor skaters, such as the Plaintiff, even after being
9 reported for child molestation in 1999.

10 3. For years after the numerous sexual assaults the Plaintiff suffered at the hands of
11 DOE 3, and into the Plaintiff's adulthood, Plaintiff suffered (and continues to suffer) from
12 psychological sequelae resulting from the sexual abuse, including but not limited to anxiety,
13 depression, fear, grief, and stress. Plaintiff began to form a mental connection between the sexual
14 abuse he suffered at the hands of Defendant DOE 3 and his resulting psychological injuries or
15 illnesses he was suffering as an adult, in January of 2017. It was only in, or around, January of
16 2017, after the Plaintiff suffered a psychological breakdown and was hospitalized, that the Plaintiff
17 first disclosed his sexual abuse at the hands of DOE 3 to a mental health professional. It was at
18 this point, that the Plaintiff, for the very first time, discovered, or reasonably should have or could
19 have discovered that the psychological injury or illness that he had suffered after the age of
20 majority, had been caused by the sexual abuse that the Plaintiff had suffered as a child. As such,
21 the Plaintiff's lawsuit is timely, as he has filed within three (3) years of making this mental nexus
22 between the adult onset symptoms he has suffered since the abuse and his sexual abuse as a child.
23 *Code of Civil Procedure* §340.1(a).

24 **THE PARTIES**

25 **THE PLAINTIFF, JOHN SA DOE**

26 4. Plaintiff JOHN SA DOE (hereinafter "Plaintiff") is presently a resident of the State
27 of Michigan. The name used by JOHN SA DOE is not the true and correct name of the Plaintiff,
28 but is a fictitious named utilized to protect the privacy of the Plaintiff, a victim of childhood sexual

1 harassment, abuse, and molestation. Plaintiff JOHN SA DOE is a male, born on January 12, 1985,
2 and was a minor during the entire time of the sexual misconduct alleged herein. Beginning in or
3 around 1999 when the plaintiff was approximately 14 years old, the Plaintiff was sexually harassed
4 and abused by his figure skating coach, Defendant DOE 3, who was a member, employee, servant,
5 and agent of Defendant DOE 1, DOE 2 and DOES 4 through 100. Plaintiff was approximately 14
6 years old when the abuse began. JOHN SA DOE brings his claims pursuant to California *Code of*
7 *Civil Procedure* § 340.1(a), which permits him to file his lawsuit against DOE 1, DOE 2, DOE 3,
8 and DOES 4 through 100 within three (3) years from which the “plaintiff discovers or reasonably
9 should have discovered that psychological injury or illness occurring after the age of majority was
10 caused by the sexual abuse...”

11 5. At all times relevant herein, the Plaintiff was a member of DOE 1, thus, afforded
12 the protections provided for under the rules of DOE 1, specifically, as a minor under the
13 supervision of other DOE 1 members.

14 **DEFENDANTS**

15 **DEFENDANT, DOE 1**

16 6. Defendant DOE 1 was and is, at all times mentioned herein, a corporation,
17 organized under the laws of the State of Colorado, having its principal place of business in the
18 Colorado Springs, Colorado. DOE 1 is the National Governing Body (“NGB”) of Figure Skating,
19 under its charter given by the United States Olympic Committee under the Ted Stevens Amateur
20 Sports Act (“TSASA”). As the NGB for Figure Skating, and as a condition of maintaining its
21 charter with the USOC, DOE 1 is mandated to provide adequate training, supervision, and security
22 in order to protect the thousands of minor and young-adult member-athletes from the ravages of
23 sexual abuse. Specifically, DOE 1 is required to provide supervision, safety, and security at its
24 events, including at the 2001 Masters of Figure Skating held in San Diego, California (where the
25 Plaintiff was sexually abused by DOE 3), as well as ensure that individuals it permits to be
26 members of its organization, are safe and have no allegations of sexual abuse, which DOE 1 did
27 for DOE 3, prior to the final act of sexual abuse suffered by the Plaintiff.

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1 7. DOE 1 purposefully conducts substantial, continuous, and purposely conducts
2 substantial business activities in the State of California, routinely holding regional, national and
3 international events throughout the State of California. DOE 1 has over two (2) dozen member
4 clubs in the State of California, all of whom were mandated by DOE 1 policy to adopt and enforce
5 SafeSport policies and procedures. DOE 1 has a Chairman mandated to ensure compliance of
6 member clubs, with the SafeSport safety guidelines it promulgates. DOE 1 actively recruits young
7 figure skaters from the State of California and receives a constant flow of funding from the State
8 of California, including funding from membership dues, as well as periodic regional, state-wide,
9 and national events held in the State of California. DOE 1 derives substantial economic benefit
10 from the State of California, and enters into repeated and successive transactions of its business in
11 California.

12 8. As the NGB for figure skating in the United States, DOE 1 adopted a membership
13 program, whereby individuals register with DOE 1, undergo training from DOE 1, and agree to
14 abide by the DOE 1 rules, in order to compete or otherwise participate in DOE 1-sanctioned events.
15 The general term “member” at DOE 1 includes several classes of membership, including coaches,
16 and figure skaters. DOE 1, in enforcing these rules, has a hearing panel composed of DOE 1
17 management agents that reviews complaints made to the board. Through its powers under the DOE
18 1 rulebook, the hearing panel is permitted to impose discipline against the offending DOE 1
19 member, including but not limited to admonishment, suspension, permanent life ban, and other
20 reasonable conditions.

21 9. DOE 1 is an entity that employs and retains agents, servants, volunteers, and
22 members that interact directly with minor children as an ordinary course of their responsibilities.
23 As such, all such employees, agents, volunteers, servants and members at DOE 1 are mandated
24 reporters under *Penal Code* §11166, *et seq.* Moreover, under DOE 1 policy, specifically, General
25 Rule (“GR”) 1.03 requires members of DOE 1 to report suspected instances of abuse.

26 10. DOE 1 is named as a “Doe” in compliance with *Code of Civil Procedure*
27 §340.1(m). At such time is proper, Plaintiff shall move the Court with a declaration of
28 corroborative fact to name these defendants in this pleading, and other pleadings in the case.

DEFENDANT, DOE 2

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2 11. Defendant DOE 2 is believed, based upon information and therefore belief, to be a
3 Michigan entity of form unknown. Defendant DOE 2 operates an ice rink located Rochester,
4 Michigan, which is where the Plaintiff was sexually abused in or around 2000 through in or around
5 2001, and which is where DOE 3 was employed after he had been publicly accused of molesting
6 a minor (an allegation that was in the New York Times in or around 1999). Defendant DOE 2's
7 mission statement, as advertised on its website, is "[t]o cultivate a safe and supportive environment
8 that provides for the advancement of our members in all disciplines and levels of figure skating."
9 DOE 2 represents, and had previously represented, that its programs for minor figure skaters were
10 to ensure the safety of those minors, while providing the opportunity to learn and advance in the
11 sport. Despite this representation, DOE 2 permitted DOE 3, whom it had known had been accused
12 of sexual abuse, to continue to work with children at DOE 2, after it had been aware of the 1999
13 complaint against DOE 3 for molesting a minor child. Moreover, DOE 2 permitted DOE 3 to attend
14 DOE 1-sanctioned events (including but not limited to the 2001 Masters of Figure Skating, where
15 DOE 3 further sexually abused the Plaintiff) as its representative, servant and/or agent.

16 12. Defendant DOE 2 is an entity that employs and retains agents, servants, volunteers,
17 and coaches that interact directly with minor children as an ordinary course of their responsibilities.
18 Moreover, Defendant DOE 2 expressly permits coaching of minor figure skaters to occur on its
19 premises. As such, all of Defendant DOE 2's employees, agents, volunteers, coaches, servants and
20 members are mandated reporters under *Penal Code* §11166, *et seq.* and have a legal obligation to
21 report suspected emotional, physical, and sexual abuse of minors. Specifically, DOE 2 employed
22 members of DOE 1, who were required to report suspected abuse under Rule GR 1.03 to both law
23 enforcement, as well as DOE 1. In the event such employees at DOE 2 failed to report such
24 suspected abuse, they would be subject to discipline by DOE 1.

25 13. As an entity that employed DOE 1 members, DOE 2's employees were required to
26 follow DOE 1 policies. Because of this membership, DOE 2's employees would be subjected to
27 discipline by DOE 1 if they hired a DOE 1 member whose membership had been suspended or
28 who had been permanently banned from DOE 1. At all relevant times herein, the employees and

1 coaches of Defendant DOE 2, were advertised as, and were in fact, members of Defendant DOE 1
2 and were required to abide by Defendant DOE 1's policies and procedures in protecting minors,
3 like the Plaintiff, from known and foreseeable risks of harm and danger.

4 14. DOE 2 is named as a "Doe" in compliance with *Code of Civil Procedure*
5 §340.1(m). At such time is proper, Plaintiff shall move the Court with a declaration of
6 corroborative fact to name these defendants in this pleading, and other pleadings in the case.

7 **DEFENDANT, DOE 3**

8 15. Defendant DOE 3 is an individual that Plaintiff is informed and believes currently
9 resides in the State of Florida. At all times herein alleged, DOE 3, was a coach, mentor, member,
10 employee and advisor at DOE 1, DOE 2, and DOES 4 through 100. The last act of sexual abuse
11 perpetrated by DOE 3 against the Plaintiff, occurred in the County of San Diego, State of
12 California, at the 2001 Masters of Figure Skating event.

13 16. During the entire time that the Plaintiff was being sexually abused and harassed by
14 DOE 3, DOE 3 was a member of DOE 1, subject to DOE 1's rules, and required to comply with
15 such rules, and the Plaintiff was a minor member of DOE 1, subject to the protection of those DOE
16 1 rules. In the event DOE 3 did not comply with such DOE 1 rules, his membership at DOE 1
17 could be suspended or other disciplinary action would be taken against DOE 3. Furthermore, as
18 discussed *infra*, DOE 1, at all relevant times herein, was able to, and mandated to, investigate
19 allegations of sexual abuse by DOE 3 and render discipline against DOE 3 for such abuse and
20 misconduct.

21 17. DOE 3 is named as a "Doe" in compliance with *Code of Civil Procedure*
22 §340.1(m). At such time is proper, Plaintiff shall move the Court with a declaration of
23 corroborative fact to name these defendants in this pleading, and other pleadings in the case.

24 **DEFENDANTS, DOES 4 THROUGH 100**

25 18. Defendants DOES 4 through 100, inclusive, and each of them, are sued herein
26 under said fictitious names. Plaintiff is ignorant as to the true names and capacities of DOES 4
27 through 100, whether individual, corporate, associate, or otherwise, and therefore sue said
28 Defendants by such fictitious names. When their true names and capacities are ascertained,

1 Plaintiff will request leave of Court to amend this Complaint to state their true names and capacities
2 herein.

3 19. Defendants DOE 3, DOE 1, DOE 2, and DOES 4 through 100, inclusive, are
4 sometimes collectively referred to herein as "Defendants" and/or as "All Defendants"; such
5 collective reference refers to all specifically named Defendants as well as those fictitiously named
6 herein.

7 20. Plaintiff is informed and believes, and on that basis alleges that at all times
8 mentioned herein, each Defendant was responsible in some manner or capacity for the occurrences
9 herein alleged, and that Plaintiff's damages, as herein alleged, were proximately caused by all said
10 Defendants.

11 21. At all times mentioned herein, each and every Defendant was an employee, agent,
12 and/or servant of DOE 3, DOE 1, DOE 2, and DOES 4 through 100, inclusive, and/or was under
13 their complete control and/or active supervision. Defendants and each of them are individuals,
14 corporations, partnerships and/or other entities that engaged in, joined in, and conspired with other
15 Defendants and wrongdoers in carrying out the tortious and unlawful activities described in this
16 Complaint.

17 22. Plaintiff is informed and believes, and on that basis alleges that at all times
18 mentioned herein, Defendants DOE 3, DOE 1, DOE 2, and DOES 4 through 100 were the agents,
19 representatives and/or employees of each and every other Defendant. In doing the things
20 hereinafter alleged, Defendants and each of them were acting within the course and scope of said
21 alternative personality, capacity, identity, agency, representation and/or employment and were
22 within the scope of their authority, whether actual or apparent.

23 23. Plaintiff is informed and believes, and on that basis alleges that at all times
24 mentioned herein, Defendants DOE 3, DOE 1, DOE 2, and DOES 4 through 100 were the trustees,
25 partners, servants, joint venturers, shareholders, contractors, and/or employees of each and every
26 other Defendant, and the acts and omissions herein alleged were done by them, acting individually,
27 through such capacity and within the scope of their authority, and with the permission and consent

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1 of each and every other Defendant and that said conduct was thereafter ratified by each and every
2 other Defendant, and that each of them is jointly and severally liable to Plaintiff.

3 24. Plaintiff is informed and believes, and on that basis alleges, that at all times
4 mentioned herein, Defendants and each of them were the trustees, partners, servants, joint
5 venturers, shareholders, contractors, and/or employees of each and every other Defendant, and the
6 acts and omissions herein alleged were done by them, acting individually, through such capacity
7 and within the scope of their authority, and with the permission and consent of each and every
8 other Defendant and that said conduct was thereafter ratified by each and every other Defendant,
9 and that each of them is jointly and severally liable to Plaintiff.

10 **THE HISTORY OF SEXUAL ABUSE PERPETRATED BY DOE 3**

11 25. In 1996, Defendant DOE 3 first came into contact with the Plaintiff JOHN SA
12 DOE, after Plaintiff watched a Team USA figure skating practice coached by Defendant DOE 3.
13 Defendant DOE 3 offered plaintiff an impromptu skating lesson at that first meeting and told
14 Plaintiff if he moved to Michigan, he would be his figure skating coach.

15 26. In or around 1998, Plaintiff made arrangements with his family to move from New
16 York to Riverview, Michigan to live with his grandmother. At that time, the Plaintiff began skating
17 under the tutelage of DOE 3. Two years after their initial meeting, Defendant DOE 3 began
18 coaching Plaintiff at the Detroit Skating Club in Bloomfield, Michigan, which conferred upon
19 DOE 3 a position of trust, authority and reverence, in or around 1998.

20 27. The Plaintiff, from in or around 1999 (when he was approximately 14 years old)
21 until in or around 2001 (when he was approximately 16 years old), was repeatedly sexually abused
22 by DOE 3 (and again, after he was no longer DOE 3's student at the 2001 Masters of Figure
23 Skating competition). The Plaintiff was sexually abused on numerous occasions, during this
24 period, including while he was a minor skater at Detroit Skating Club and DOE 2.

25 28. DOE 3 had moved from one DOE 1-member club, the Detroit Skating Club, to
26 another DOE 1 member club, DOE 2, after the allegations of his sexual abuse of a former skater
27 became public. The Plaintiff continued to train with DOE 3 and continued to get sexually abused
28 by DOE 3 both before and after this report was made to DOE 1 and publicly.

1 29. In or around April of 1999, the New York Times, an international publication,
2 published a story regarding sexual misconduct allegations made against DOE 3. Specifically, the
3 story detailed a former elite figure skating student of DOE 3, having been sexually abused by DOE
4 3 at the age of 15 years old. Specifically, the article provides that this victim of DOE 3: "... has
5 said in a series of interviews in recent weeks that [DOE 3] engaged in **inappropriate sexual**
6 **conduct with him when he was 15**, and later abused his position of authority to initiate a full
7 sexual relationship when [the victim] was 18 and barely out of high school." As indicated in the
8 article, this individual's concerns were relayed to DOE 1 and its highest-ranking employee, "but
9 added that the [DOE 1] would not act until it received a formal written grievance." The article
10 went on to detail several other incidents of DOE 3 abusing his position of power with his figure
11 skaters, and engaging in sexual misconduct with them, including DOE 3 reportedly kissing one of
12 his adult students in 1991, former employers of DOE 3 receiving complaints from skaters about
13 DOE 3 making sexual advances towards them or others, DOE 3 exposing himself to his former
14 student in a hotel room in 1992, and DOE 3 making inappropriate sexual remarks to another skater
15 in 1994. The allegations contained in this New York Times article were publicly available, well-
16 known information in the figure skating community, and were actually known by DOE 1, DOE 2
17 and DOES 4 through 100.

18 30. After this allegation came forward, and after the publication of this article in the
19 New York Times, the DOE 1 claimed to have brought the allegation up for review through its
20 internal discipline processes for members. Upon bringing this allegation of sexual abuse of a minor
21 up through its internal discipline procedures, DOE 1 summarily dismissed the allegation as it
22 claimed the victim had not filed a formal written grievance within 60 days of the sexual misconduct
23 being perpetrated by DOE 3. It is upon information, and therefore belief, that the DOE 1 purposely
24 implemented this system which made it nearly impossible for sexual abuse claimants to bring
25 effective complaints forward against perpetrators of sexual abuse and misconduct. It was with
26 knowledge that sexual abuse survivors have difficult disclosing their sexual abuse, that DOE 1
27 implemented this rule to discourage reports of abuse, discourage action being taken upon reports
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1 of abuse being made, and to present a façade of safety, security, and lack of impropriety within its
2 organization.

3 31. Subsequent to this allegation being made public in 1999, DOE 3 left Detroit Skating
4 Club, and began his employment and/or agency with DOE 2. DOE 3 brought the Plaintiff with
5 him from the Detroit Skating Club, where DOE 3 continued to sexually abuse the Plaintiff. DOE
6 1, knowing full-well of the allegations of sexual misconduct, failed to investigate, failed to warn
7 the Plaintiff of these prior bad acts, and did nothing to inhibit DOE 3's access to minor children
8 under his tutelage or those who were present at the events he attended. Despite this litany of sexual
9 abuse and misconduct complaints made against DOE 3, DOE 3 remained in good-standing with
10 DOE 1 until 2018; long after the Plaintiff's abuse ended, and only upon the amateur athletic sports
11 community being publicly examined for its systemic mishandling of sexual abuse allegations in
12 the wake of the Larry Nassar scandal at USA Gymnastics.

13 32. After the DOE 3's victim who made the 1999 report of abuse and the *New York*
14 *Times* article was published (which contained numerous other reports of sexual misconduct against
15 DOE 3) DOE 3 remained in good-standing with DOE 1 and DOE 2, and was permitted to coach
16 and be in contact with minors through that membership, employment and agency.

17 33. In 2001, the Plaintiff attended the Masters of Figure Skating competition, on
18 information and belief, a DOE 1 sanctioned and sponsored event, in San Diego, California. DOE
19 3, still an agent, employee, and/or servant of DOE 2 and DOE 1, was sponsored by DOE 2 and
20 DOE 1, and as an agent, employee, and/or servant of DOE 2 and DOE 1, attended this 2001 DOE
21 1 Masters of Figure Skating competition in San Diego, California. At this event, DOE 3 saw the
22 Plaintiff (who was still a minor of approximately 16 years old) and then secluded and sexually
23 abused him on the premises of where this event took place in San Diego, California. At this time,
24 DOE 3 was still a DOE 1, DOE 2 and DOES 4 through 100 member, agent, employee, and/or
25 servant. It is upon information and therefore belief that Defendants DOE 1, DOE 2 and DOES 4
26 through 100 sent DOE 3 to this San Diego, California competition, knowing of his past acts of
27 sexual abuse, and other prior reports of sexual misconduct by DOE 3.

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1 34. Pursuant to DOE 1's, DOE 2's and DOES 4 through 100's failure to censure,
2 discipline or otherwise ban DOE 3 from DOE 1 membership (and therefore, DOE 1 events), and
3 DOE 2's decision to employ DOE 3 regardless of the known sexual abuse and misconduct
4 complaints, DOE 3 was allowed contact and access to minor skaters, such as the Plaintiff. These
5 failures by DOE 2, DOE 1 and DOES 4 through 100 caused the Plaintiff to get molested by DOE
6 3, who should have never been a member of DOE 1 after the *New York Times* article (and
7 allegations being reported to DOE 1 in 1999), should have never been permitted access to the 2001
8 Masters of Figure Skating event in San Diego, California, and should have never been employed
9 by DOE 2 to be in contact with minors, by attending events where minors were present.

10 **FACTUAL ALLEGATIONS APPLICABLE TO ALL CLAIMS AND SEXUAL ABUSE**
11 **OF THE PLAINTIFF JOHN SA DOE**

12 35. At all times material hereto, Plaintiff was a minor figure skater with Defendants
13 DOE 1, DOE 2 and DOES 4 through 100, and was under their complete control, dominion, and
14 supervision. Defendant DOE 3 worked with Defendants DOE 1, DOE 2 and DOES 4 through 100
15 and came into contact with Plaintiff through this agency, employment, servitude and/or
16 relationship with Defendants DOE 1, DOE 2 and DOES 4 through 100.

17 36. From 2000 until in or around 2001, Plaintiff was a minor figure skater with
18 Defendant DOE 2 and was under their complete control, dominion, and supervision. Defendant
19 DOE 3 worked with Defendant DOE 2 during this period, and came into contact with Plaintiff
20 though his agency, employment, servitude and/or volunteer relationship with Defendants DOE 1,
21 DOE 2, and DOES 4 through 100. Due to this relationship with the Plaintiff, Defendants DOE 2
22 and DOE 1 stood *in loco parentis* with the Plaintiff, were in a confidential and trusting relationship
23 with the Plaintiff, and owed him a special duty of care.

24 37. At all times material hereto, Defendant DOE 3 was under the direct supervision,
25 management, agency and control of Defendants DOE 1, DOE 2, and DOES 4 through 100,
26 inclusive.

27 38. Defendant DOE 3 was a coach, trainer, counselor, and confidant for minor children,
28 while at Defendants DOE 1, DOE 2, and DOES 4 through 100. While a coach at Defendants DOE
1, DOE 2, and DOES 4 through 100, Defendant DOE 3 was responsible for the training,

1 conditioning, technique, encouragement, and development of minor children, including the
2 Plaintiff, who were being groomed for success at the elite levels of figure skating. While
3 performing these duties, Defendant DOE 3 violated his role as a coach, sexually violated the
4 Plaintiff, and used his position of authority and power over the Plaintiff.

5 39. As a minor athlete at Defendants DOE 1, DOE 2, and DOES 4 through 100, while
6 Defendant DOE 3 was a coach at those facilities, the minor Plaintiff was under Defendant DOE
7 3's direct supervision, control and care, which created a special, confidential and fiduciary
8 relationship between Plaintiff and Defendant DOE 3. Because of such relationship, Defendant
9 DOE 3 owed Plaintiff a duty of care. Additionally, as the employers and supervisors of Defendant
10 DOE 3, with knowledge that he was in contact with and supervising children, Defendants DOE 1,
11 DOE 2, and DOES 4 through 100 were also in a special, confidential and fiduciary relationship
12 with Plaintiff, owing him a duty of care.

13 40. By assigning Defendant DOE 3 as a coach, trainer and confidant at the Defendants
14 DOE 1, DOE 2, and DOES 4 through 100, the Defendants DOE 1, DOE 2, and DOES 4 through
15 100 represented to the community that Defendant DOE 3 was safe, trustworthy, and of high moral
16 and ethical repute, such that parents of minor-athletes need not worry about having Defendant
17 DOE 3 interact with, and supervise their minor children. Defendants DOE 3, DOE 1, DOE 2, and
18 DOES 4 through 100 did so in order to preserve their own public image and reputation, so they
19 could retain past minor athletes, recruit new minor athletes and, thus allowing donations and tuition
20 to continue flowing into their coffers for financial gain.

21 41. Plaintiff is informed and believes, and on that basis alleges, that Defendants knew
22 or had reason to know that Defendant DOE 3 had engaged in unlawful sexually-related conduct in
23 the past, and/or was continuing to engage in such conduct. Defendants had a duty to disclose these
24 facts to Plaintiff, his parents and others, but negligently and/or intentionally suppressed, concealed
25 or failed to disclose this information. The duty to disclose this information arose by the special,
26 trusting, confidential, fiduciary relationship between Defendants and Plaintiff.

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1 42. Defendants knew of Defendant DOE 3's propensity and disposition to engage in
2 sexual misconduct with minors before he sexually abused and molested Plaintiff, and knew of the
3 probability that he would molest minors with whom he came into contact, such as Plaintiff.

4 43. Defendants failed to implement reasonable safeguards to avoid acts of unlawful
5 sexual conduct by Defendant DOE 3 in the future, including avoiding placement of Defendant
6 DOE 3 in a position where contact and interaction with children is an inherent function. Defendants
7 ignored and suppressed the past sexual misconduct Defendant DOE 3 had engaged in.

8 44. Plaintiff is informed and believes and on that basis alleges, that Defendants were
9 apprised, knew or had reason to know and/or were put on notice of Defendant DOE 3's past sexual
10 abuse of children, past claims and/or investigations, and his propensity and disposition to engage
11 in such unlawful activity and unlawful sexual activity with minor athletes such that Defendants
12 knew or had reason to know that Defendant DOE 3 would commit wrongful sexual acts with these
13 minor athletes, including Plaintiff. Plaintiff is informed and believes, and on that basis alleges that
14 personnel and/or employment records and other records of Defendants' reflect numerous incidents
15 of inappropriate sexual contact and conduct with minor athletes by Defendant DOE 3 and other
16 professionals, employees, assistants, agents, supervisors and others, including incidents occurring
17 both on and off the physical premises of such Defendants. Based on these records, Defendants
18 knew and/or had reason to know of Defendant DOE 3's history of sexual abuse, past claims and
19 past investigations, and his propensity and disposition to engage in unlawful activity and unlawful
20 sexual activity with minor athletes such that Defendants knew or had reason to know that
21 Defendant DOE 3 would commit wrongful sexual acts with those minor athletes, including
22 Plaintiff.

23 45. Because of the relationship between Plaintiff and Defendants, Defendants had an
24 obligation and duty under the law not to hide material facts and information about Defendant DOE
25 3's past, and his deviant sexual behavior and propensities. Additionally, Defendants had an
26 affirmative duty to inform, warn, and institute appropriate protective measures to safeguard minors
27 who were reasonably likely to come in contact with Defendant DOE 3. Defendants willfully

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1 refused to notify, give adequate warning and implement appropriate safeguards, thereby creating
2 the peril that ultimately damaged Plaintiff.

3 46. As part of Defendants' conspiratorial and fraudulent attempt to hide Defendant
4 DOE 3S's propensity to sexually abuse children, and prior sexual misconduct with children, from
5 public scrutiny and criminal investigation, Defendants implemented various measures designed to
6 make Defendant DOE 3's conduct harder to detect and ensure minors with whom he came into
7 contact, such as Plaintiff, would be sexually abused, including:

- 8 a. Permitting Defendant DOE 3 to remain in a position of authority and trust
9 after Defendants knew or had reason to know he was a molester of children;
- 10 b. Placing Defendant DOE 3 in a separate and secluded environment, at
11 Defendants' premises and events, including assigning his to duties that
12 included coaching, training, and supervising minors and allowing
13 Defendant DOE 3 to physically and sexually interact with the children,
14 including Plaintiff;
- 15 c. Failing to disclose Defendant DOE 3's prior record of sexual abuse,
16 harassment and molestation and his propensity to commit such acts towards
17 students and/or athletes in Defendants' program, the public at large, and law
18 enforcement;
- 19 d. Allowing Defendant DOE 3 unsupervised and un-controlled access to
20 minors;
- 21 e. Holding out Defendant DOE 3 to Plaintiff, his parents, and minors in the
22 Defendants' programs, as a trustworthy and honest person of high ethical
23 and moral repute who was capable and worthy of being granted
24 unsupervised access to the minor athletes of Defendants;
- 25 f. Failing to investigate or otherwise confirm or deny such facts about
26 Defendant DOE 3, including prior arrests, charges, claims and
27 investigations for sexual abuse;
- 28 g. Failing to inform, or concealing from Plaintiff's parents and law
enforcement officials the fact that Plaintiff and others were or may have
been sexually abused, harassed and molested, after Defendants knew or had
reason to know that Defendant DOE 3 may have sexually abused Plaintiff
or others, thereby enabling Plaintiff to continue to be endangered and
sexually abused, harassed, molested, and/or creating the circumstance
where Plaintiff and others were less likely to receive medical treatment, thus
exacerbating the harm to Plaintiff;
- h. Holding out Defendant DOE 3 to Plaintiff, his parents, and to the
community as being in good standing and trustworthy;
- i. Cloaking Defendant DOE 3's prior sexual misconduct with children within
the facade of normalcy, thereby disguising the nature of his sexual abuse
and contact with minors;

1 j. Failing to take reasonable steps and to implement reasonable safeguards to
2 avoid acts of unlawful sexual conduct by Defendant DOE 3 such as
3 avoiding placement of Defendant DOE 3 in functions or environments in
4 which his solitary contact with children was inherent;

5 k. Failing to put in place a system or procedure to supervise or monitor
6 employees, volunteers, and agents to insure they do not molest or abuse
7 minors in Defendants' care.

8 47. By his position within the Defendants' institutions, Defendant DOE 3 attained a
9 position of influence over Plaintiff, and others. Defendants' conduct created a situation of peril that
10 was not, and could not be appreciated by Plaintiff. By virtue of Defendants' conspiratorial and
11 fraudulent conduct, and in keeping with their intent to fail to disclose and hide Defendant DOE
12 3's past and present conduct from the community, the public at large and law enforcement,
13 Defendants allowed molester Defendant DOE 3 to remain in a position of influence where him
14 unsupervised or negligently supervised conduct with minor athletes made the molestation and
15 abuse of minor athletes possible.

16 48. By his position within the Defendants' institutions, Defendants and Defendant DOE
17 3 demanded and required that Plaintiff respect Defendant DOE 3 in his position as a coach, trainer,
18 and mentor, at Defendants' programs and facilities.

19 49. During the period Plaintiff was being sexually abused and harassed by Defendant
20 DOE 3, Defendants had the authority and ability to prevent such abuse by removing Defendant
21 DOE 3 from his position a coach, counselor, and trainer at Defendants. They failed to do so,
22 allowing the abuse to occur and to continue unabated. This failure was a part of Defendants'
23 conspiratorial plan and arrangement to conceal Defendant DOE 3 wrongful acts, to avoid and
24 inhibit detection, to block public disclosure, to avoid scandal, to avoid the disclosure of their
25 tolerance of child sexual molestation and abuse, to preserve a false appearance of propriety, and
26 to avoid investigation and action by public authority including law enforcement. Such actions were
27 motivated by a desire to protect the reputation of Defendants and protect the monetary support of
28 Defendants, while fostering an environment where such abuse could continue to occur.

50. As a result of the above-described conduct, Plaintiff has suffered and continues to
suffer from psychological sequelae, including but not limited to anxiety, depression, fear, grief,
and stress. Plaintiff will sustain loss of earnings and earning capacity due to the negative effect on

1 his skating career, and/or has incurred and will continue to incur expenses for medical and
2 psychological treatment, therapy, and counseling.

3 51. As a direct and proximate result of Defendants' tortious acts, omissions, wrongful
4 conduct and breaches of their duties, Plaintiff's skating career has been adversely affected, and the
5 ability for him to obtain employment, educational opportunities and personal development have
6 been severally damaged and impacted. The Plaintiff has lost, and continues to lose income due to
7 the damage that Defendants have caused him, and will continue to lose such income into the future.
8 Furthermore, the Plaintiff's future earning potential has been severely impacted by the tortious
9 conduct of Defendants, for which he continues to suffer economic harm.

10 52. As a further direct and proximate result of Defendants' wrongful actions, as herein
11 alleged, Plaintiff has been hurt in his health, strength and activity. Plaintiff began to form a mental
12 connection between the sexual abuse he suffered at the hands of Defendant DOE 3 and his resulting
13 psychological injuries or illnesses he was suffering as an adult, in January of 2017. As a result of
14 the sexual abuse that the Plaintiff suffered as a child, the Plaintiff suffered a mental breakdown,
15 and in January of 2017 the Plaintiff discovered, or reasonably should have, or could have,
16 discovered that the psychological injury or illness that he had suffered after the age of majority,
17 had been caused by the sexual abuse that the Plaintiff had suffered as a child, when he disclosed,
18 for the first time, his sexual abuse as a child to a mental health professional.

19 53. As is set forth herein, Defendants and each of them have failed to uphold numerous
20 mandatory duties required of them by state and federal law, as well as their own internal written
21 policies and procedures, including, but not limited to:

- 22 • Duty to refrain from taking official action that contradicts the provisions of
23 Article 1, section 28(c) of the California Constitution;
- 24 • Duty to enact policies and procedures that are not in contravention of the
25 Federal Civil Rights Act, section 1983 and the 14th amendment of the United
26 States Constitution;
- 27 • Duty to protect athletes and staff, and provide adequate supervision;
- 28 • Duty to ensure that any direction given to minor athletes is lawful, and that
adults act fairly, responsible and respectfully towards minor athletes;
- Duty to properly train staff so that they are aware of their individual
responsibility for creating and maintaining a safe environment;

- 1 • Duty to review the criminal history of applicants and current employees;
- 2 • Duty to supervise minor athletes and enforce rules and regulations prescribed
- 3 for Defendants, exercise reasonable control over minor athletes as is reasonably
- 4 necessary to maintain order, protect property, or protect the health and safety of
- 5 pupils or to maintain proper and appropriate conditions conducive to learning;
- 6 • Duty to exercise careful supervision of the moral conditions in the Defendants’
- 7 organizations and facilities;
- 8 • Duty to provide diligent supervision over minors;
- 9 • Duty to act promptly and diligently and not ignore or minimize problems.
- 10 • Duty to report suspected incidents of child abuse and more specifically
- 11 childhood sexual abuse (*Penal Code* sections 11166, 11167, as well as corollary
- 12 mandated reporting laws in the States of Michigan and Colorado).

13 54. Defendants and each of them had and have a duty to protect minor athletes,

14 including Plaintiff. Defendants were required to, and failed, to provide adequate supervision, and

15 failed to be properly vigilant in seeing that supervision was sufficient at the Defendants to ensure

16 the safety of the Plaintiff and others.

17 55. Despite having a duty to do so, Defendants failed to adequately train and supervise

18 all staff to create a positive and safe environment, specifically including training to perceive, report

19 and stop inappropriate sexual conduct by other members of the staff, specifically including

20 Defendant DOE 3, with children.

21 56. Defendants failed to enforce their own rules and regulations designed to protect the

22 health and safety of the minor athletes. Further, they failed to adopt and implement safety

23 measures, policies and procedures designed to protect minor children such as Plaintiff from the

24 sexually exploitive and abusive acts of their agents and employees such as Defendant DOE 3.

25 57. In subjecting Plaintiff to the wrongful treatment herein described, Defendants DOE

26 3, DOE 1, DOE 2, and DOES 4 through 100 acted willfully and maliciously with the intent to

27 harm Plaintiff, and in conscious disregard of Plaintiff’s rights, so as to constitute malice and/or

28 oppression under California *Civil Code* section 3294. Plaintiff is informed, and on that basis

alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were ratified

by the officers, directors, and/or managing agents of the Defendants. Plaintiff is therefore entitled

to recover punitive damages, in an amount to be determined by the court, against Defendants DOE

3, DOE 1, DOE 2, and DOES 4 through 100.

1 65. Because of Plaintiff's relationship with Defendants, as a minor athlete training at
2 Defendants, and Plaintiff's young age as a minor athlete, Plaintiff was unable to easily terminate
3 the coach-athlete relationship he had with Defendants.

4 66. A corporation is a "person" within meaning of *Civil Code* section 51.9, which
5 subjects persons to liability for sexual harassment within a business, service or professional
6 relationship, and such an entity defendant may be held liable under this statute for the acts of its
7 employees. *C.R. v. Tenet Healthcare Corp.*, (2009) 169 Cal.App.4th 1094. Further, principles of
8 ratification apply when the principal ratifies the agent's originally unauthorized harassment, as is
9 alleged to have occurred herein. As such, when DOE 1, DOE 2 and DOES 4 through 100 were
10 made aware of sexual abuse and sexual misconduct allegations in 1999 against DOE 3, and
11 continued to employ, and continued to have DOE 3 as an agent, representative, employee and/or
12 servant of DOE 1, DOE 2 and DOES 4 through 100, these Defendants ratified DOE 3's sexually
13 abusive conduct.

14 67. Defendants' conduct (and the conduct of their agents) was a breach of their duties
15 to Plaintiff.

16 68. As a result of the above-described conduct, Plaintiff has suffered and continues to
17 suffer from psychological sequelae, including but not limited to anxiety, depression, fear, grief,
18 and stress. Plaintiff will sustain loss of earnings and earning capacity due to the negative effect on
19 his skating career, and/or has incurred and will continue to incur expenses for medical and
20 psychological treatment, therapy, and counseling.

21 69. The conduct of Defendants was oppressive, malicious and despicable in that it was
22 intentional and done in conscious disregard for the rights and safety of others, and were carried
23 out with a conscious disregard of his right to be free from such tortious behavior, such as to
24 constitute oppression, fraud or malice pursuant to California *Civil Code* section 3294, entitling
25 Plaintiff to punitive damages against Defendants in an amount appropriate to punish and set an
26 example of Defendants. Moreover, Plaintiff is entitled to exemplary damages and attorney's fees
27 pursuant to *Civil Code* section 52.

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SECOND CAUSE OF ACTION
SEXUAL BATTERY: *CIVIL CODE* § 1708.5
(Against Defendant DOE 3)

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70. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

71. During Plaintiff's time as an athlete at Defendants DOE 1, DOE 2, and DOES 4 through 100, Defendant DOE 3 intentionally, recklessly and wantonly did acts which were intended to, and did result in harmful and offensive contact with intimate parts of Plaintiff's person, including but not limited to being subjected to numerous instances of sexual abuse by Defendant DOE 3, during Plaintiff's time as a minor athlete Defendants DOE 1, DOE 2, and DOES 4 through 100, beginning in around 1999 and continuing until in or around 2001.

72. Defendant DOE 3 did the aforementioned acts with the intent to cause a harmful or offensive contact with an intimate part of Plaintiff's person, and would offend a reasonable sense of personal dignity. Further, said acts did cause a harmful or offensive contact with an intimate part of Plaintiff's person that would offend a reasonable sense of personal dignity.

73. Because of Defendant DOE 3's position of authority over Plaintiff, and Plaintiff's mental and emotional state, and Plaintiff's young age under the age of consent, Plaintiff was unable to, and did not, give meaningful consent to such acts.

74. As a direct, legal, and proximate result of the acts of Defendant DOE 3, Plaintiff sustained serious and permanent injuries to his person, all of his damage in an amount to be shown according to proof and within the jurisdiction of the Court.

75. As a result of the above-described conduct, Plaintiff has suffered and continues to suffer from psychological sequelae, including but not limited to anxiety, depression, fear, grief, and stress. Plaintiff will sustain loss of earnings and earning capacity due to the negative effect on his skating career, and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

76. The conduct of Defendants was oppressive, malicious and despicable in that it was intentional and done in conscious disregard for the rights and safety of others, and were carried out with a conscious disregard of his right to be free from such tortious behavior, such as to constitute oppression, fraud or malice pursuant to California *Civil Code* section 3294, entitling

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1 Plaintiff to punitive damages against Defendants in an amount appropriate to punish and set an
2 example of Defendants.

3 **THIRD CAUSE OF ACTION**
4 **ASSAULT**
5 **(Against Defendant DOE 3)**

6 77. Plaintiff re-alleges and incorporates by reference herein each and every allegation
7 contained herein above as though fully set forth and brought in this cause of action.

8 78. Defendant DOE 3, in doing the things herein alleged, including intending to subject
9 Plaintiff to numerous instances of sexual abuse and molestation by Defendant DOE 3, during
10 Plaintiff's time at Defendants, beginning in or around 1999 and lasting until in or around 2001, all
11 while Defendant DOE 3 acted in the course and scope of his agency/employment with Defendants,
12 and each of them, and were intended to cause harmful or offensive contact with Plaintiff's person,
13 or intended to put Plaintiff in imminent apprehension of such contact.

14 79. In doing the things herein alleged, Plaintiff was put in imminent apprehension of a
15 harmful or offensive contact by Defendant DOE 3, and actually believed Defendant DOE 3 had
16 the ability to make harmful or offensive contact with Plaintiff's person.

17 80. Plaintiff did not consent to Defendant DOE 3's intended harmful or offensive
18 contact with Plaintiff's person, or intent to put Plaintiff in imminent apprehension of such contact.
19 Additionally, because Plaintiff was a minor during the time herein alleged, he lacked the ability to
20 consent to sexual contact with any person, especially with a supervisory coach, mentor, director,
21 advisor, or counselor at Defendants DOE 1, DOE 2, and DOES 4 through 100.

22 81. In doing the things herein alleged, Defendant DOE 3 violated Plaintiff's right,
23 pursuant to *Civil Code* section 43, of protection from bodily restraint or harm, and from personal
24 insult. In doing the things herein alleged, Defendant DOE 3 violated his duty, pursuant to *Civil*
25 *Code* section 1708, to abstain from injuring the person of Plaintiff or infringing upon his rights.

26 82. As a result of the above-described conduct, Plaintiff has suffered and continues to
27 suffer from psychological sequelae, including but not limited to anxiety, depression, fear, grief,
28 and stress. Plaintiff will sustain loss of earnings and earning capacity due to the negative effect on
his skating career, and/or has incurred and will continue to incur expenses for medical and
psychological treatment, therapy, and counseling.

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FIFTH CAUSE OF ACTION
NEGLIGENCE
(Against All Defendants EXCEPT Defendant DOE 3)

88. Plaintiff re-alleges and incorporates by reference herein each and every allegation contained herein above as though fully set forth and brought in this cause of action.

89. Prior to and after the first incident of Defendant DOE 3's sexual harassment, molestation and abuse of Plaintiff, through the present, Defendants, knew or had reason to know that Defendant DOE 3 had and was capable of sexually, physically, and mentally abusing and harassing Plaintiff or other victims.

90. Defendants and each of them had special duties to protect the Plaintiff and the other minor athletes, when such minors were entrusted to Defendants' care by their parents. Plaintiff's care, welfare and physical custody was entrusted to Defendants. Defendants voluntarily accepted the entrusted care of Plaintiff. As such, Defendants owed Plaintiff, a minor child, a special duty of care that adults dealing with children owe to protect them from harm. The duty to protect and warn arose from the special, trusting, confidential, and fiduciary relationship between Defendants and Plaintiff.

91. Defendants breached their duties of care to the minor Plaintiff by allowing Defendant DOE 3 to come into contact with the minor Plaintiff and other minor athletes, without supervision; by failing to adequately hire, supervise and retain Defendant DOE 3 who they permitted and enabled to have access to Plaintiff; by concealing from Plaintiff, his family, and law enforcement that Defendant DOE 3 was sexually harassing, molesting and abusing minors; and by holding Defendant DOE 3 out to Plaintiff and his family as being of high moral and ethical repute, in good standing and trustworthy.

92. Defendants breached their duties to Plaintiff by failing to investigate or otherwise confirm or deny such facts of sexual abuse by Defendant DOE 3, failing to reveal such facts to Plaintiff, his parents, the community and law enforcement agencies, and by placing Defendant DOE 3 into a position of trust and authority, holding his out to Plaintiff, his parents, and the public as being in good standing and trustworthy.

93. Defendants breached their duty to Plaintiff by failing to adequately monitor and supervise Defendant DOE 3 and failing to prevent Defendant DOE 3 from committing wrongful

1 sexual acts with minors including Plaintiff. Defendants' voluminous past records of sexual
2 misconduct by Defendant DOE 3 caused Defendants to know, or gave them reason to know, of
3 Defendant DOE 3 's incapacity to serve as a teacher, counselor, coach and confidant, charged with
4 teaching, tutoring, mentoring, and supervising children while with Defendants.

5 94. Under the Child Abuse and Neglect Reporting Act (and corollary child protection
6 laws in the States of Michigan and Colorado), Defendants, by and through their employees and
7 agents, were child care custodians and were under a statutory duty to report known or suspected
8 incidents of sexual harassment, molestation or abuse of minors to a child protective agency,
9 pursuant to California *Penal Code* § 11166, and not to impede the filing of any such report.

10 95. Defendants knew or had reason to know that Defendant DOE 3, their coach,
11 counselor, and trainer, had sexually molested, abused, or caused touching, battery, harm, and other
12 injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under California
13 *Penal Code* § 11166 (and corollary child protection laws in the States of Michigan and Colorado).
14 Defendants also knew, or had reason to know that, in the exercise of reasonable diligence, that an
15 undue risk to minors, including Plaintiff, existed because Defendants did not comply with
16 California's mandatory reporting requirements.

17 96. By failing to report the continuing molestations and abuse, and by ignoring the
18 fulfillment of the mandated compliance with the reporting requirements provided under California
19 *Penal Code* § 11166 (and corollary child protection laws in the States of Michigan and Colorado),
20 Defendants created the risk and danger contemplated by the Child Abuse and Neglect Reporting
21 Act, and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual
22 molestation and abuse.

23 97. Plaintiff was a member of the class of persons for whose protection California
24 *Penal Code* § 11166 (and corollary child protection laws in the States of Michigan and Colorado)
25 was specifically adopted to protect.

26 98. Had Defendants adequately reported the molestation of Plaintiff and other minors
27 as required by California *Penal Code* § 11166 (and corollary child protection laws in the States of
28 Michigan and Colorado), further harm to Plaintiff and other minors would have been avoided.

1 administrators and agents expressly and implicitly represented that their coaches, counselors, and
2 trainers, including Defendant DOE 3, were not a sexual threat to children and others who would
3 fall under Defendant DOE 3 's influence, control, direction, and guidance.

4 106. Defendants, by and through their respective agents, servants and employees, knew
5 or had reason to know of Defendant DOE 3 's dangerous and exploitive propensities and that
6 Defendant DOE 3 was an unfit agent. Despite such knowledge, Defendants negligently failed to
7 supervise Defendant DOE 3 in his position of trust and authority as a coach, counselor, trainer,
8 and authority figure over children, where he was able to commit wrongful acts of sexual
9 misconduct against the Plaintiff. Defendants failed to provide reasonable supervision of Defendant
10 DOE 3, failed to use reasonable care in investigating Defendant DOE 3, and failed to provide
11 adequate warning to Plaintiff and Plaintiff's family of Defendant DOE 3 dangerous propensities
12 and unfitness. Defendants further failed to take reasonable steps to ensure the safety of minors,
13 including Plaintiff, from sexual harassment, molestation and abuse.

14 107. At no time during the periods of time alleged did Defendants have in place a
15 reasonable system or procedure to investigate, supervise and monitor coaches, counselors, and
16 trainers, including Defendant DOE 3, to prevent pre-sexual grooming and sexual harassment,
17 molestation and abuse of children, nor did they implement a system or procedure to oversee or
18 monitor conduct toward minors and others in Defendants' care.

19 108. Defendants were aware or had reason to know of how vulnerable children were to
20 sexual harassment, molestation and abuse by staff members and other persons of authority within
21 Defendants' entities.

22 109. Defendants were put on notice, knew or had reason to know that Defendant DOE 3
23 had previously engaged and was continuing to engage in unlawful sexual conduct with minors,
24 and had committed other felonies, for his own personal sexual gratification, and that it was
25 foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff, and
26 others, under the cloak of the authority, confidence, and trust, bestowed upon his through
27 Defendants.

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1 110. Defendants were placed on actual or constructive notice that Defendant DOE 3 had
2 molested other minors and athletes during his employment with Defendants. Defendants were
3 informed of molestations of minors committed by Defendant DOE 3 prior to Plaintiff's sexual
4 abuse, and of conduct by Defendant DOE 3 that would put a reasonable person on notice of such
5 propensity to molest and abuse children.

6 111. Even though Defendants knew or had reason to know of these illicit sexual
7 activities by Defendant DOE 3, Defendants did not reasonably investigate, supervise or monitor
8 Defendant DOE 3 to ensure the safety of the minor athletes.

9 112. Defendants' conduct was a breach of their duties to Plaintiff.

10 113. Under the Child Abuse and Neglect Reporting Act, Defendants, by and through
11 their employees and agents, were child care custodians and were under a statutory duty to report
12 known or suspected incidents of sexual molestation or abuse of minors to a child protective agency,
13 pursuant to California *Penal Code* section 11166 (and corollary child protection laws in the States
14 of Michigan and Colorado), and not to impede the filing of any such report.

15 114. Defendants knew or had reason to know that their coach and trainer, Defendant
16 DOE 3, had sexually molested, abused or caused touching, battery, harm, and other injuries to
17 minors, including Plaintiff, giving rise to a duty to report such conduct under California *Penal*
18 *Code* section 11166 (and corollary child protection laws in the States of Michigan and Colorado).

19 115. Defendants knew, or had reason to know, in the exercise of reasonable diligence,
20 that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with
21 California's mandatory reporting requirements.

22 116. By failing to report the continuing molestations and abuse of Defendant DOE 3,
23 which Defendants knew or had reason to know about, and by ignoring the fulfillment of the
24 mandated compliance with the reporting requirements provided under California *Penal Code*
25 section 11166 (and corollary child protection laws in the States of Michigan and Colorado),
26 Defendants created the risk and danger contemplated by the Child Abuse and Neglect Reporting
27 Act, and as a result, unreasonably and wrongfully exposed Plaintiff and other minors to sexual
28 molestation and abuse.

1 117. Plaintiff was a member of the class of persons for whose protection California
2 *Penal Code* section 11166 (and corollary child protection laws in the States of Michigan and
3 Colorado) was specifically adopted to protect.

4 118. Had Defendants adequately reported the molestation of Plaintiff and other minors
5 as required by California *Penal Code* section 11166 (and corollary child protection laws in the
6 States of Michigan and Colorado), further harm to Plaintiff and other minors would have been
7 avoided.

8 119. As a proximate result of Defendants' failure to follow the mandatory reporting
9 requirements of California *Penal Code* section 11166 (and corollary child protection laws in the
10 States of Michigan and Colorado), Defendants wrongfully denied Plaintiff and other minors the
11 intervention of child protection services. Such public agencies would have changed the then-
12 existing arrangements and conditions that provided the access and opportunities for the
13 molestation of Plaintiff by Defendant DOE 3.

14 120. The physical, mental, and emotional damages and injuries resulting from the sexual
15 molestation of Plaintiff by Defendant DOE 3, were the type of occurrence and injuries that the
16 Child Abuse and Neglect Reporting Act was designed to prevent.

17 121. As a result, Defendants' failure to comply with the mandatory reporting
18 requirements of California *Penal Code* section 11166 (and corollary child protection laws in the
19 States of Michigan and Colorado) also constituted a *per se* breach of Defendants' duties to Plaintiff.

20 122. Defendants, and each of them, breached their duty to Plaintiff by, inter alia, by
21 failing to adequately monitor and supervise Defendant DOE 3 and stop Defendant DOE 3 from
22 committing wrongful sexual acts with minors including Plaintiff.

23 123. As a result of the above-described conduct, Plaintiff has suffered and continues to
24 suffer from psychological sequelae, including but not limited to anxiety, depression, fear, grief,
25 and stress. Plaintiff will sustain loss of earnings and earning capacity due to the negative effect on
26 his skating career, and/or has incurred and will continue to incur expenses for medical and
27 psychological treatment, therapy, and counseling.

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SEVENTH CAUSE OF ACTION
NEGLIGENT HIRING/RETENTION
(Against All Defendants)

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3 124. Plaintiff re-alleges and incorporates by reference herein each and every allegation
4 contained herein above as though fully set forth and brought in this cause of action.

5 125. By virtue of Plaintiff's special relationship with Defendants, and Defendants'
6 relation to Defendant DOE 3, Defendants owed Plaintiff a duty to not hire or retain Defendant
7 DOE 3, given his dangerous and exploitive propensities, which Defendants knew or had reason to
8 know about had they engaged in a reasonable, meaningful, and adequate investigation of his
9 background prior to his hiring or retaining his in subsequent positions of employment.

10 126. Defendants expressly and implicitly represented that the coaches, trainers, and
11 mentors, including Defendant DOE 3, were not a sexual threat to children and others who would
12 fall under Defendant DOE 3's influence, control, direction, and guidance.

13 127. At no time during the periods of time alleged did Defendants have in place a
14 reasonable system or procedure to investigate, supervise and monitor teachers, counselors, and
15 managing administrators, including Defendant DOE 3, to prevent pre-sexual grooming or sexual
16 harassment, molestation and abuse of children, nor did they implement a system or procedure to
17 oversee or monitor conduct toward minors, athletes and others in Defendants' care.

18 128. Defendants were aware or had reason to be aware and understand how vulnerable
19 children were to sexual harassment, molestation and abuse by teachers and other persons of
20 authority within the control of Defendants prior to Plaintiff's sexual abuse by Defendant DOE 3.

21 129. Defendants were put on-notice, and had reason to know that Defendant DOE 3 had
22 previously engaged and continued to engage in unlawful sexual conduct with minors and was
23 committing other felonies, for his own personal gratification, and that it was, or should have been
24 foreseeable that he was engaging, or would engage in illicit sexual activities with Plaintiff, and
25 others, under the cloak of his authority, confidence, and trust, bestowed upon his through
26 Defendants.

27 130. Defendants were placed on actual or constructive notice that Defendant DOE 3 had
28 molested or was molesting minors and athletes, both before his employment within Defendants,
and during that employment. Defendants had knowledge of inappropriate conduct and

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1 molestations committed by Defendant DOE 3 before and during his employment, yet chose to
2 allow his to remain unsupervised where he sexually abused Plaintiff.

3 131. Even though Defendants knew or had reason to know of these sexually illicit
4 activities by Defendant DOE 3, Defendants failed to use reasonable care in investigating
5 Defendant DOE 3 and did nothing to reasonably investigate, supervise or monitor Defendant DOE
6 3 to ensure the safety of the minor athletes.

7 132. Defendants' conduct was a breach of their duties to Plaintiff.

8 133. Under the Child Abuse and Neglect Reporting Act (and corollary child protection
9 laws in the States of Michigan and Colorado), Defendants, by and through their employees and
10 agents, were child care custodians and were under a statutory duty to report known or suspected
11 incidents of sexual molestation or abuse of minors to a child protective agency, pursuant to
12 California *Penal Code* section 11166 (and corollary child protection laws in the States of Michigan
13 and Colorado), and not to impede the filing of any such report.

14 134. Defendants knew or had reason to know that their teacher, counselor, and managing
15 administrator, Defendant DOE 3, had sexually molested, abused or caused touching, battery, harm,
16 and other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under
17 California *Penal Code* section 11166 (and corollary child protection laws in the States of Michigan
18 and Colorado).

19 135. Defendants knew, or had reason to know in the exercise of reasonable diligence,
20 that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with
21 California's mandatory reporting requirements.

22 136. By failing to report the continuing molestations and abuse, which Defendants and
23 each of them knew or had reason to know about, and by ignoring the fulfillment of the mandated
24 compliance with the reporting requirements provided under California *Penal Code* section 11166
25 (and corollary child protection laws in the States of Michigan and Colorado), Defendants created
26 the risk and danger contemplated by the Child Abuse and Neglect Reporting Act, and as a result,
27 unreasonably and wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

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1 144. Defendants owed Plaintiff a duty to take reasonable protective measures to protect
2 Plaintiff and other minor athletes from the risk of childhood sexual harassment, molestation and
3 abuse by Defendant DOE 3 by properly warning, training or educating Plaintiff and other athletes
4 about how to avoid such a risk.

5 145. Defendants breached their duty to take reasonable protective measures to protect
6 Plaintiff and other minor athletes from the risk of childhood sexual harassment, molestation and
7 abuse by Defendant DOE 3, such as the failure to properly warn, train or educate Plaintiff and
8 other athletes about how to avoid such a particular risk that Defendant DOE 3 posed—of sexual
9 misconduct.

10 146. Defendants breached their duty to take reasonable protective measures to protect
11 Plaintiff and other minor athletes from the risk of childhood sexual harassment, molestation and
12 abuse by Defendant DOE 3, by failing to supervise and stop employees of Defendants, including
13 Defendant DOE 3, from committing wrongful sexual acts with minors, including Plaintiff.

14 147. Under the Child Abuse and Neglect Reporting Act (and corollary child protection
15 laws in the States of Michigan and Colorado), Defendants, by and through their employees and
16 agents, were child care custodians and were under a statutory duty to report known or suspected
17 incidents of sexual molestation or abuse of minors to a child protective agency, pursuant to
18 California *Penal Code* section 11166 (and corollary child protection laws in the States of Michigan
19 and Colorado), and not to impede the filing of any such report.

20 148. Defendants knew or had reason to know that their teacher, counselor, and managing
21 administrator, Defendant DOE 3, had sexually molested, abused or caused touching, battery, harm,
22 and other injuries to minors, including Plaintiff, giving rise to a duty to report such conduct under
23 California *Penal Code* section 11166 (and corollary child protection laws in the States of Michigan
24 and Colorado).

25 149. Defendants knew, or had reason to know in the exercise of reasonable diligence,
26 that an undue risk to minors, including Plaintiff, existed because Defendants did not comply with
27 California's mandatory reporting requirements.

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1 150. By failing to report the continuing molestations and abuse, which Defendants knew
2 or had reason to know about, and by ignoring the fulfillment of the mandated compliance with the
3 reporting requirements provided under California *Penal Code* section 11166 (and corollary child
4 protection laws in the States of Michigan and Colorado), Defendants created the risk and danger
5 contemplated by the Child Abuse and Neglect Reporting Act, and as a result, unreasonably and
6 wrongfully exposed Plaintiff and other minors to sexual molestation and abuse.

7 151. Plaintiff was a member of the class of persons for whose protection California
8 *Penal Code* section 11166 (and corollary child protection laws in the States of Michigan and
9 Colorado) was specifically adopted to protect.

10 152. Had Defendants adequately reported the molestation of Plaintiff and other minors
11 as required by California *Penal Code* section 11166 (and corollary child protection laws in the
12 States of Michigan and Colorado), further harm to Plaintiff and other minors would have been
13 avoided.

14 153. As a proximate result of Defendants' failure to follow the mandatory reporting
15 requirements of California *Penal Code* section 11166 (and corollary child protection laws in the
16 States of Michigan and Colorado), Defendants wrongfully denied Plaintiff and other minors the
17 intervention of child protection services. Such public agencies would have changed the then-
18 existing arrangements and conditions that provided the access and opportunities for the
19 molestation of Plaintiff by Defendant DOE 3.

20 154. The physical, mental, and emotional damages and injuries resulting from the sexual
21 molestation of Plaintiff by Defendant DOE 3, were the type of occurrence and injuries that the
22 Child Abuse and Neglect Reporting Act was designed to prevent.

23 155. As a result, Defendants' failure to comply with the mandatory reporting
24 requirements of California *Penal Code* section 11166 (and corollary child protection laws in the
25 States of Michigan and Colorado) also constituted a *per se* breach of Defendants' duties to Plaintiff.

26 156. As a result of the above-described conduct, Plaintiff has suffered and continues to
27 suffer from psychological sequelae, including but not limited to anxiety, depression, fear, grief,
28 and stress. Plaintiff will sustain loss of earnings and earning capacity due to the negative effect on

1 his skating career, and/or has incurred and will continue to incur expenses for medical and
2 psychological treatment, therapy, and counseling.

3 **NINTH CAUSE OF ACTION**
4 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**
5 **(Against All Defendants)**

6 157. Plaintiff re-alleges and incorporates by reference herein each and every allegation
7 contained herein above as though fully set forth and brought in this cause of action.

8 158. Defendants DOE 3, DOE 2, DOE 1, and DOES 4 through 100's conduct toward
9 Plaintiff, as described herein, was outrageous and extreme.

10 159. A reasonable person would not expect or tolerate the sexual harassment,
11 molestation and abuse of Plaintiff by DOE 3, and Defendants' knowledge and callous indifference
12 thereof. Plaintiff had great trust, faith and confidence in in Defendants, which, by virtue of DOE
13 3's and Defendants' wrongful conduct, turned to fear.

14 160. Defendants' conduct toward Plaintiff, as described herein, was outrageous and
15 extreme.

16 161. A reasonable person would not expect or tolerate Defendants putting Defendant
17 DOE 3, who was known to Defendants to have physically and sexually abused other minors, in
18 charge of Plaintiff, which enabled DOE 3 to have access to minor athletes so that he could commit
19 wrongful sexual acts, including the conduct described herein, with minors, including Plaintiff.
20 Plaintiff had great trust, faith and confidence in Defendants, which, by virtue of Defendants'
21 wrongful conduct, turned to fear.

22 162. A reasonable person would not expect or tolerate the Defendants and their agents
23 to be incapable of supervising and/or stopping coaches of Defendants, including Defendant DOE
24 3, from committing wrongful sexual acts with minors, including Plaintiff, or to supervise
25 Defendant DOE 3. Plaintiff had great trust, faith and confidence in Defendants, which, by virtue
26 of Defendants' wrongful conduct, turned to fear.

27 163. Defendants' conduct described herein was intentional and malicious and done for
28 the purpose of causing or with the substantial certainty that Plaintiff would suffer humiliation,
mental anguish, and emotional and physical distress.

1 and health. In particular, in breaching such duties as alleged, Defendants were able to sustain their
2 status as institutions of high moral repute, and preserve their reputation, all at the expense of
3 Plaintiff's further injury and in violation of Defendants' mandatory duties.

4 170. By virtue of their confidential, fiduciary and special relationship with Plaintiff,
5 Defendants owed Plaintiff a duty to:

- 6 a. Investigate or otherwise confirm or deny such claims of sexual abuse;
- 7 b. Reveal such facts to Plaintiff, Plaintiff's family and caretakers, the figure skating
8 community, the community at large, and law enforcement agencies;
- 9 c. Refuse to place Defendant DOE 3 and other molesters in positions of trust and
10 authority within Defendants' institutions;
- 11 d. Refuse to hold out Defendant DOE 3 and other molesters to the public, the
12 community, minors, parents and law enforcement agencies as being in good
13 standing and, trustworthy in keeping with his and their position as a teacher,
14 counselor, managing administrator and authority figure;
- 15 e. Refuse to assign Defendant DOE 3 and other molesters to positions of power
16 within the Defendants' institutions and over minors; and
- 17 f. Disclose to Plaintiff, his family, the public, the Defendants' community, minors,
18 and law enforcement agencies the wrongful, tortious, and sexually exploitive acts
19 that Defendant DOE 3 had engaged in with children

20 171. Defendants' breach of their respective duties included:

- 21 a. Not making reasonable investigations of Defendant DOE 3;
- 22 b. Issuing no warnings about Defendant DOE 3;
- 23 c. Permitting Defendant DOE 3 to routinely be alone with and in control of minors,
24 unsupervised;
- 25 d. Not adopting a policy to prevent Defendant DOE 3 from routinely having minors
26 and athletes in his unsupervised control;
- 27 e. Making no reports of any allegations of Defendant DOE 3's abuse of athletes, or
28 of minors prior to or during his employment at Defendants; and
- 29 f. Assigning and continuing to assign Defendant DOE 3 to duties which placed him
30 in positions of authority and trust over minors, positions in which Defendant DOE
31 3 could easily isolate and sexually abuse minors.

32 172. At the time that Defendants engaged in such suppression and concealment of acts,
33 such acts were done for the purpose of causing Plaintiff to forbear on Plaintiff's rights.

34 173. Defendants' misconduct did reasonably cause Plaintiff to forbear on Plaintiff's
35 rights.

1 174. The misrepresentations, suppressions and concealment of facts by Defendants were
2 intended to and were likely to mislead Plaintiff and others to believe that Defendants had no
3 knowledge of any charges against Defendant DOE 3, or that there were no other charges of
4 unlawful or sexual misconduct against Defendant DOE 3 or others and that there was no need for
5 them to take further action or precaution.

6 175. The misrepresentations, suppressions and concealment of facts by Defendants was
7 likely to mislead Plaintiff and others to believe that Defendants had no knowledge of the fact that
8 Defendant DOE 3 was a molester, and was known to commit wrongful sexual acts with minors,
9 including Plaintiff.

10 176. Defendants knew or had reason to know at the time they suppressed and concealed
11 the true facts regarding others' sexual molestations, that the resulting impressions were misleading.

12 177. Defendants suppressed and concealed the true facts regarding Defendant DOE 3
13 with the purpose of: preventing Plaintiff, Plaintiff's parents & family, and others, from learning
14 that Defendant DOE 3 and others had been and were continuing to sexually harass, molest and
15 abuse minors and others under Defendant DOE 3's and Defendants' control, direction, and
16 guidance, with complete impunity; inducing people, including Plaintiff and other benefactors and
17 donors to participate and financially support Defendants' and other enterprises of Defendants;
18 preventing further reports and outside investigations into Defendant DOE 3's and Defendants'
19 conduct; preventing discovery of Defendants' own conduct; avoiding damage to the reputations of
20 Defendants; protecting Defendants' power and status in the community and the academic
21 community; avoiding damage to the reputation of Defendants, or Defendants' institutions; and
22 avoiding the civil and criminal liability of Defendants, of Defendant DOE 3, and of others.

23 178. At all times mentioned herein, Defendants, and in particular Defendant DOE 3 and
24 Defendants DOE 1, DOE 2 and DOES 4 through 100, with knowledge of the tortious nature of
25 their own and Defendant DOE 3's conduct, knowingly conspired and gave each other substantial
26 assistance to perpetrate the misrepresentations, fraud and deceit alleged herein—covering up the
27 past allegations of sexual misconduct lodged against Defendant DOE 3, and allowing Defendant

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1 DOE 3 to remain in his position as a teacher, counselor, and managing administrator so they could
2 maintain their reputations and continue to make a profit.

3 179. Plaintiff and others were misled by Defendants' suppressions and concealment of
4 facts, and in reliance thereon, were induced to act or induced not to act, exactly as intended by
5 Defendants. Specifically, Plaintiff and Plaintiff's family were induced to believe that there were
6 no allegations of criminal or sexual abuse against Defendant DOE 3 and that he was safe to be
7 around children. Had Plaintiff and his family, and others, known the true facts about Defendant
8 DOE 3, they would have not participated further in activities of Defendants DOE 1, DOE 2, and
9 DOES 4 through 100, or continued to financially support Defendants' activities. They would have
10 reported the matters to the proper authorities, to other minor athletes and their parents so as to
11 prevent future recurrences; they would not have allowed children, including Plaintiff, to be alone
12 with, or have any relationship with Defendant DOE 3; they would not have allowed children,
13 including Plaintiff, to attend or be under the control of Defendants; they would have undertaken
14 their own investigations which would have led to discovery of the true facts; and they would have
15 sought psychological counseling for Plaintiff, and for other children molested and abused by
16 Defendant DOE 3.

17 180. By giving Defendant DOE 3 the position of coach, counselor, and trainer,
18 Defendants impliedly represented that Defendant DOE 3 was safe and morally fit to give children
19 direction and guidance.

20 181. When Defendants made these affirmative or implied representations and non-
21 disclosures of material facts, Defendants knew or had reason to know that the facts were otherwise.
22 Defendants knowingly and intentionally suppressed the material facts that Defendant DOE 3 had
23 on numerous, prior occasions sexually, physically, and mentally abused minors and athletes of
24 Defendants, including Plaintiff, and knew of or learned of conduct, or had reason to know of
25 conduct by Defendant DOE 3 which placed Defendants on notice that Defendant DOE 3 had
26 previously been suspected of felonies, including unlawful sexual conduct with minors, and was
27 likely abusing children.

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1 182. Because of Plaintiff's young age, and because of the status of Defendant DOE 3 as
2 an authority figure to Plaintiff, Plaintiff was vulnerable to Defendant DOE 3. Defendant DOE 3
3 sought Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's
4 vulnerability also prevented Plaintiff from effectively protecting himself from the sexual advances
5 of Defendant DOE 3.

6 183. Defendants had the duty to obtain and disclose information relating to sexual
7 misconduct of Defendant DOE 3.

8 184. Defendants misrepresented, concealed or failed to disclose information relating to
9 sexual misconduct of Defendant DOE 3.

10 185. Defendants knew that they had misrepresented, concealed or failed to disclose
11 information related to sexual misconduct of Defendant DOE 3.

12 186. Plaintiff justifiably relied upon Defendants for information relating to sexual
13 misconduct of Defendant DOE 3.

14 187. Defendants DOE 1, DOE 2 and DOES 4 through 100, and Defendant DOE 3, in
15 concert with each other and with the intent to conceal and defraud, conspired and came to a meeting
16 of the minds whereby they would misrepresent, conceal or fail to disclose information relating to
17 the sexual misconduct of Defendant DOE 3, the inability of Defendants to supervise or stop
18 Defendant DOE 3 from sexually harassing, molesting and abusing Plaintiff, and their own failure
19 to properly investigate, supervise and monitor his conduct with minor athletes.

20 188. By so concealing, Defendants committed at least one act in furtherance of the
21 conspiracy.

22 189. As a result of the above-described conduct, Plaintiff has suffered and continues to
23 suffer great pain of mind and body, shock, emotional distress, physical manifestations of emotional
24 distress including embarrassment, loss of self-esteem, disgrace, humiliations, and loss of
25 enjoyment of life; has suffered and continues to suffer and was prevented and will continue to be
26 prevented from performing daily activities and obtaining the full enjoyment of life; will sustain
27 loss of earnings and earning capacity, and/or has incurred and will continue to incur expenses for
28 medical and psychological treatment, therapy, and counseling.

1 190. In addition, when Plaintiff finally discovered the fraud of Defendants, and
2 continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In
3 addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter,
4 Plaintiff experienced extreme and severe mental anguish and emotional distress that Plaintiff had
5 been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being
6 molested because of the fraud, and that Plaintiff had not been able because of the fraud to receive
7 timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to
8 suffer as a result of the sexual harassment, molestation and abuse.

9 191. In subjecting Plaintiff to the wrongful treatment herein described, Defendants DOE
10 3, DOE 1, DOE 2, and DOES 4 through 100, acted willfully and maliciously with the intent to
11 harm Plaintiff, and in conscious disregard of Plaintiff's rights, so as to constitute malice and/or
12 oppression under California *Civil Code* section 3294. Plaintiff is informed, and on that basis
13 alleges, that these willful, malicious, and/or oppressive acts, as alleged herein above, were ratified
14 by the officers, directors, and/or managing agents of the Defendants. Plaintiff is therefore entitled
15 to recover punitive damages, in an amount to be determined by the court, against Defendants DOE
16 3, DOE 1, DOE 2, and DOES 4 through 100.

17 **WHEREFORE**, Plaintiff prays for a jury trial and for judgment against Defendants, and
18 each of them, as follows:

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FOR ALL CAUSES OF ACTION

1. For past, present and future damages in an amount to be determined at trial;
2. For past, present and future special damages, including but not limited to past, present and future lost earnings, economic damages and others, in an amount to be determined at trial;
3. Any appropriate statutory damages;
4. For costs of suit;
5. For interest based on damages, as well as pre-judgment and post-judgment interest as allowed by law;
6. For attorney's fees pursuant to California *Civil Code 52, et seq., 51, et seq.*, or as otherwise allowable by law;
8. Any appropriate punitive or exemplary damages against Defendant DOE 3, DOE 1, DOE 2 and DOES 4 through 100;
9. For declaratory and injunctive relief; and
10. For such other and further relief as the Court may deem proper.

Dated: August 2, 2019

MANLY, STEWART & FINALDI

By: _____

JOHN C. MANLY, Esq.
Attorneys for Plaintiff,
JOHN SA DOE

DEMAND FOR JURY TRIAL

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Plaintiff JOHN SA DOE **HEREBY** demands a trial by jury.

Dated: August 2, 2019

MANLY, STEWART & FINALDI

By: _____
JOHN C. MANLY, Esq.
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